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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,435	06/25/2003	Eric Joseph Johnson	10006468-3	4401

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EXAMINER

COLILLA, DANIEL JAMES

ART UNIT	PAPER NUMBER
2854	

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/603,435	JOHNSON ET AL.	
	Examiner	Art Unit	
	Daniel J. Colilla	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 31, 36-37, 39, 44 and 45 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 30 of U.S. Patent No. 6,524,021 in view of Watanabe (JP 2000272117).

With respect to claims 31 and 39 of the present application, claim 30 of U.S. Patent No. 6,524,021 discloses all the recited structure except for the substantially c-shaped guide. However, Watanabe discloses a carriage for use in an image forming device including a substantially c-shaped guide 72 as shown in Figures 2-3 of Watanabe. Further disclosed is an anti-rotation pin 64 located within the c-shaped guide 72. It would have been obvious to combine the carriage disclosed by claim 30 of U.S. Patent No. 6,524,021 with the teaching of Watanabe for the advantage of being able to adjust the carriage relative to the recording medium based on the thickness of the recording medium.

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With respect to claims 36 and 44, Watanabe discloses bores 56a which act as bushings. The printing support 56 and the area around the bores 56a are unitary and made from the same material.

With respect to claims 37 and 45, Watanabe discloses a guide rail 58 which has a perimeter and the bushings 56a are closed and extend completely around the perimeter of the guide rail.

3. Claims 32 and 40 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 27 of U.S. Patent No. 6,524,021 in view of Watanabe (JP 2000272117).

With respect to claims 32 and 40 of the present application, claim 27 of U.S. Patent No. 6,524,021 discloses all the recited structure except for the substantially c-shaped guide and anti-rotation pin. However, Watanabe discloses a carriage for use in an image forming device including a substantially c-shaped guide 72 as shown in Figures 2-3 of Watanabe. Further disclosed is an anti-rotation pin 64 located within the c-shaped guide 72. It would have been obvious to combine the carriage disclosed by claim 27 of U.S. Patent No. 6,524,021 with the teaching of Watanabe for the advantage of being able to adjust the carriage relative to the recording medium based on the thickness of the recording medium.

4. Claims 33 and 41 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 28 of U.S. Patent No. 6,524,021 in view of Watanabe (JP 2000272117).

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With respect to claims 33 and 41 of the present application, claim 28 of U.S. Patent No. 6,524,021 discloses all the recited structure except for the substantially c-shaped guide and anti-rotation pin. However, Watanabe discloses a carriage for use in an image forming device including a substantially c-shaped guide 72 as shown in Figures 2-3 of Watanabe. Further disclosed is an anti-rotation pin 64 located within the c-shaped guide 72. It would have been obvious to combine the carriage disclosed by claim 28 of U.S. Patent No. 6,524,021 with the teaching of Watanabe for the advantage of being able to adjust the carriage relative to the recording medium based on the thickness of the recording medium.

5. Claims 34, 38, 42 and 46 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 12 of U.S. Patent No. 6,524,021 in view of Watanabe (JP 2000272117).

With respect to claims 34 and 42 of the present application, claim 12 of U.S. Patent No. 6,524,021 discloses all the recited structure except for the substantially c-shaped guide and anti-rotation pin. However, Watanabe discloses a carriage for use in an image forming device including a substantially c-shaped guide 72 as shown in Figures 2-3 of Watanabe. Further disclosed is an anti-rotation pin 64 located within the c-shaped guide 72. It would have been obvious to combine the carriage disclosed by claim 12 of U.S. Patent No. 6,524,021 with the teaching of Watanabe for the advantage of being able to adjust the carriage relative to the recording medium based on the thickness of the recording medium.

With respect to claims 38 and 46 of the present application, claim 9 of U.S. Patent No. 6,524,021 discloses three spaced rail contact regions and claim 12 of U.S. Patent No. 6,524,021

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recites that the contact regions are “substantially planar surfaces” which are therefore substantially identical.

6. Claims 35 and 43 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 29 of U.S. Patent No. 6,524,021 in view of Watanabe (JP 2000272117).

With respect to claims 35 and 43 of the present application, claim 29 of U.S. Patent No. 6,524,021 discloses all the recited structure except for the substantially c-shaped guide and anti-rotation pin. However, Watanabe discloses a carriage for use in an image forming device including a substantially c-shaped guide 72 as shown in Figures 2-3 of Watanabe. Further disclosed is an anti-rotation pin 64 located within the c-shaped guide 72. It would have been obvious to combine the carriage disclosed by claim 29 of U.S. Patent No. 6,524,021 with the teaching of Watanabe for the advantage of being able to adjust the carriage relative to the recording medium based on the thickness of the recording medium.

7. Claims 31, 36-37, 39, 44 and 45 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 6,682,234 in view of Watanabe (JP 2000272117).

With respect to claims 31 and 39 of the present application, Claim 6 of U.S. Patent No. 6,682,234 discloses all of the structure recited in claims 31 and 39 of the present application except for the substantially c-shaped guide. However, Watanabe discloses a carriage for use in an image forming device including a substantially c-shaped guide 72 as shown in Figures 2-3 of

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Watanabe. Further disclosed is an anti-rotation pin 64 located within the c-shaped guide 72. It would have been obvious to combine the carriage disclosed by claim 6 of U.S. Patent No. 6,682,234 with the teaching of Watanabe for the advantage of being able to adjust the carriage relative to the recording medium based on the thickness of the recording medium.

With respect to claim 36 and 44, Watanabe discloses bores 56a which act as bushings. The printing support 56 and the area around the bores 56a are unitary and made from the same material.

With respect to claims 37 and 45, Watanabe discloses a guide rail 58 which has a perimeter and the bushings 56a are closed and extend completely around the perimeter of the guide rail.

8. Claims 32 and 40 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 2 of U.S. Patent No. 6,682,234 in view of Watanabe (JP 2000272117).

With respect to claims 32 and 40 of the present application, claim 2 of U.S. Patent No. 6,682,234 discloses all the recited structure except for the substantially c-shaped guide and anti-rotation pin. However, Watanabe discloses a carriage for use in an image forming device including a substantially c-shaped guide 72 as shown in Figures 2-3 of Watanabe. Further disclosed is an anti-rotation pin 64 located within the c-shaped guide 72. It would have been obvious to combine the carriage disclosed by claim 2 of U.S. Patent No. 6,682,234 with the teaching of Watanabe for the advantage of being able to adjust the carriage relative to the recording medium based on the thickness of the recording medium.

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9. Claims 33 and 41 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. 6,682,234 in view of Watanabe (JP 2000272117).

With respect to claims 33 and 41 of the present application, claim 3 of U.S. Patent No. 6,682,234 discloses all the recited structure except for the substantially c-shaped guide and anti-rotation pin. However, Watanabe discloses a carriage for use in an image forming device including a substantially c-shaped guide 72 as shown in Figures 2-3 of Watanabe. Further disclosed is an anti-rotation pin 64 located within the c-shaped guide 72. It would have been obvious to combine the carriage disclosed by claim 3 of U.S. Patent No. 6,682,234 with the teaching of Watanabe for the advantage of being able to adjust the carriage relative to the recording medium based on the thickness of the recording medium.

10. Claims 34, 38, 42 and 46 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of U.S. Patent No. 6,682,234 in view of Watanabe (JP 2000272117).

With respect to claim 34 and 42 of the present application, claim 4 of U.S. Patent No. 6,682,234 discloses all the recited structure except for the substantially c-shaped guide and anti-rotation pin. However, Watanabe discloses a carriage for use in an image forming device including a substantially c-shaped guide 72 as shown in Figures 2-3 of Watanabe. Further disclosed is an anti-rotation pin 64 located within the c-shaped guide 72. It would have been obvious to combine the carriage disclosed by claim 4 of U.S. Patent No. 6,682,234 with the

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teaching of Watanabe for the advantage of being able to adjust the carriage relative to the recording medium based on the thickness of the recording medium.

With respect to claims 38 and 46 of the present application, claim 1 of U.S. Patent No. 6,682,234 discloses three spaced rail contact regions and claim 4 of U.S. Patent No. 6,682,234 recites that the contact regions are "substantially planar surfaces" which are therefore substantially identical.

11. Claims 35 and 43 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 5 of U.S. Patent No. 6,682,234 in view of Watanabe (JP 2000272117).

With respect to claims 35 and 43 of the present application, claim 5 of U.S. Patent No. 6,682,234 discloses all the recited structure except for the substantially c-shaped guide and anti-rotation pin. However, Watanabe discloses a carriage for use in an image forming device including a substantially c-shaped guide 72 as shown in Figures 2-3 of Watanabe. Further disclosed is an anti-rotation pin 64 located within the c-shaped guide 72. It would have been obvious to combine the carriage disclosed by claim 5 of U.S. Patent No. 6,682,234 with the teaching of Watanabe for the advantage of being able to adjust the carriage relative to the recording medium based on the thickness of the recording medium.

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Allowable Subject Matter


12. Claims 31-46 would be allowable if terminal disclaimers are filed to overcome the double patenting rejection set forth in this Office action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Colilla whose telephone number is (571)272-2157. The examiner can normally be reached Mon.-Thur. between 7:30 am and 6:00 pm. Faxes regarding this application can be sent to (703)872 - 9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached at (571)272-2168. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 24, 2005


Daniel J. Colilla
Primary Examiner
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